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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------|-------------|----------------------|---------------------|------------------|
| 09/922,329 | 08/02/2001 | Victor Kouznetsov | NAI1P278/01.017.01 | 7400 |
| 28875 | 7590 | 11/07/2005 | EXAMINER | |
| Zilka-Kotab, PC | | | NGUYEN, MINH DIEU T | |
| P.O. BOX 721120 | | | ART UNIT | PAPER NUMBER |
| SAN JOSE, CA 95172-1120 | | | 2137 | |

DATE MAILED: 11/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

| | | |
|-------------------------------|-----------------------------------|--|
| Application No. 09/922,329 | Applicant(s) KOUZNETSOV ET AL. | |
| Examiner Minh Dieu Nguyen | Art Unit 2137 | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED October 13, 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: None.
Claim(s) objected to: None.
Claim(s) rejected: 1,2,4,8-11,13,17 and 18.
Claim(s) withdrawn from consideration: 3,5-7,12 and 14-16.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). 10/24/05
13. ☐ Other: _____.


EMMANUELLE L. MOISE
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: a) Applicant disagrees that Fanning discloses forwarding the task to a local alias URL of the responding peer for performance of the task by the responding server if the verifying is successful. Examiner respectfully disagrees, the teaching of Vogel and Fanning is combined to address this limitation. As stated in the previous office action, Vogel discloses if verifying is successful, (col. 1, lines 33-36) a secure connection between client and server is established for sending information. Fanning is combined to address forwarding the task to a local alias URL of the responding peer for performance of the task by the responding server (Fig. 4; col. 12, lines 8-27), the claimed URL can be any type of tag forming a representation of a resource. In Fanning, the returned results are the representations of the resource. The user selects the filename when selecting a file to download, URLs are returned as results of a file search which correspond to various back-end servers

b) Applicant argues "downloading from the server would not necessitate the reception of a message that the requestor has located the responding server". Examiner disagrees, as any indication that the client is downloading a file from a peer constitutes the broadcasting of a message, indicating that the requestor has located the necessary server to achieve this downloading task.

c) Applicant argues "Christensen does not teach verifying verifies that the local alias URL is approved by the non-local backend server for the requested task". Examiner respectfully disagrees, client and server mutually authenticates each other so client is verified prior to server servicing the request [0181] to it, as well as server is verified to be assured that they can be trusted before client receives service from it (Fig. 2 and 8).

d) Applicant argues prior arts does not teach "wherein the local alias URL points to a local upload directory for a HTTP service server residing at a responding server node". Examiner disagrees, Tsai clearly discloses the local alias URL points to a local upload directory for a HTTP service server residing at a responding server node (Fig. 2).